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October 3, 2013

BY ECF

HON. BRIAN M. COGAN
United States Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: Sams v. The City of New York et al
1:13-cv-02368-BMC

Your Honor,

I am plaintiff's counsel in the above referenced action. I am writing in response to defense counsel's letter of October 3rd, 2013.

I understand Mr. Beck's instance that discovery move forward quickly. However, I believe there was a misinterpretation regarding our discussions and follow up emails regarding Your Honor's orders on Sept. 26th, 2013.

Firstly, regarding the errata sheet for Mr. Sams 50h transcript, CPLR 3116 states that the deposed has 60 days to return the errata sheet the Mr. Beck is seeking. In conversation outside the courthouse I told Mr. Beck that I would try to get the errata sheet to him on Oct. 4th, 2013 out of courtesy and in order to move litigation forward. That is also how I interpreted the email attached as exhibit A. In accordance with that I was making efforts to get the errata sheet to Mr. Beck on Friday, October, 4th as promised. It should be noted that Mr. Beck did not attempt to call me after the conference or before the present letter was filed (Nor was a follow-up email sent). If he had, the miscommunication could of easily have been dealt with.

Secondly, in regards to the telephone numbers of potential witnesses, I do not have access to them and am actively trying to find them. I cannot give what I do not have. This issue could of also been worked out with a simple telephone call or follow-up email.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Hale", written over a horizontal line.

Paul Hale, Esq.
Attorney for plaintiff

cc: Curt Beck
Attorney for defendant (via ECF)